IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T & I J.

NOTICE OF MOTION NO.136 OF 2006

IN

PETITION NO.491 OF 2006

...

Mr.Atul V. Kantharia & Anr. ...Petitioners

v/s.

Mrs.Jayshree Jaydev Bhatt ...Respondent

...

Mr.Shailesh Thakkar i/b Shailesh Thakkar & Co. for the Petitioners.

Mr.M.P.Vashi i/b M.P.Vashi & Associates for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 2ND FEBRUARY,2007

P.C.:

1. Notice of Motion is disposed of by consent of the Petitioner and the Respondent in following terms:

(i) Within a period of one week from today the Respondent to file an undertaking in this court stating therein

(a) That the Respondents would accept the amount of RPS.1,09,000/- (Rupees One lakh Nine Thousand only) if paid by the Petitioner, without prejudice to their rights and contentions raised in the affidavit filed in support of the caveat.

(b) That in case the amount is paid by the Petitioners, the Respondents would bring back the amount to the court, if so directed by this court and on such terms and conditions as may be directed by this court and in that event the Respondent would be

liable to pay interest which will not be less than 12% p.a.

(ii) While submitting the undertaking to the court copy thereof shall be furnished by the Respondents to the Petitioners.

(iii) On receiving copy of the undertaking furnished by the Respondents in court, the Petitioners shall pay an amount of Rs.1,09,000/- to the Respondents, without prejudice to the rights and contentions of the Petitioners, within two weeks of receiving copy of the undertaking.

Notice of Motion disposed of.

Certified copy expedited.

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